

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

CAROL A. HOLCOMB,

Plaintiff,

v.

CIVIL ACTION NO. 2:04-0448

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court deny the plaintiff's motion for judgment on the pleadings, deny the plaintiff's motion for remand for consideration of new and material evidence, grant the defendant's motion for judgment on the pleadings, and affirm the final decision of the Commissioner of the Social Security Administration.

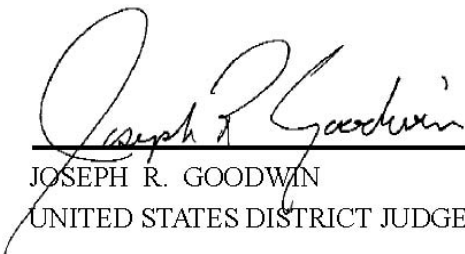
The plaintiff has submitted written objections to the magistrate's proposed findings of fact and recommendation. Having reviewed the plaintiff's objections *de novo*, the court **FINDS** that they are without merit. The court agrees with the magistrate's thorough analysis.

Accordingly, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge. The court **DENIES** the plaintiff's motion for judgment on the pleadings, **DENIES** the plaintiff's motion for remand for consideration of new and material evidence,

GRANTS the defendant's motion for judgment on the pleadings, and **ORDERS** that the decision of the Commissioner of the Social Security Administration be affirmed consistent with the findings and recommendation.

The court **DIRECTS** the Clerk to send a certified copy of this Memorandum Opinion and Order to Magistrate Judge Stanley, counsel of record, and any unrepresented parties.

ENTER: September 9, 2005



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE